

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1580

Introduced by Assembly Member La Malfa

February 23, 2007

An act relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1580, as amended, La Malfa. ~~Siskiyou County~~ *Scott and Shasta Valley Watermaster District*.

~~Existing~~

(1) Existing law provides for the establishment of watermaster service areas by the Department of Water Resources for the purposes of ensuring the most practical and economic supervision of the distribution of water. Existing law specifies that upon the submission of a specified petition to a court in which a relevant judicial decree has been entered, the court may appoint a public agency as a watermaster to replace the watermaster appointed by the department.

~~This bill would declare the intent of the Legislature to enact legislation to create the Siskiyou Watermaster District~~ *create a watermaster district to be known as the Scott and Shasta Valley Watermaster District. The bill would generally specify the powers and purposes of the district and prescribe the composition of the board of directors of the district. The bill would require the district to provide watermaster service on behalf of specified parcels that are a place of use for water rights under an appointed decree, as defined. The bill would authorize the district to enter into agreements to provide watermaster service to owners of certain other eligible parcels that are a place of use for water rights under a specified decree for which the department is not the*

watermaster. By imposing election duties on Siskiyou County in connection with the operation of the district, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 Scott and Shasta Valley Watermaster District Act. It is intended
3 to supplement the Water Code and reads as follows:

4
5 SCOTT AND SHASTA VALLEY WATERMASTER DISTRICT
6 ACT

7
8 Article 1. Creation
9

10 101. This act shall be known and may be cited as the Scott and
11 Shasta Valley Watermaster District Act.

12 102. (a) A watermaster district is hereby created in Siskiyou
13 County to be known as the Scott and Shasta Valley Watermaster
14 District.

15 (b) The district shall be governed by a board of directors as
16 specified in Section 401, shall have boundaries as prescribed in
17 Section 201, and shall exercise the powers granted by this act for
18 purposes of acting as watermaster over those decreed water rights
19 whose places of use are within the Scott and Shasta Valleys and
20 for which the Superior Court for the County of Siskiyou has
21 appointed the district as the watermaster; together with other
22 powers and duties that are reasonably implied and necessary and
23 proper to carry out the purposes of the district, including, but not

1 *limited to, any power authorized by the court which appoints the*
2 *district as watermaster.*

3 *(c) The Legislature hereby finds and declares that the*
4 *cost-effective and responsible enforcement of existing decreed*
5 *water rights within the Scott and Shasta Valleys is in the public*
6 *interest, and that the creation of a watermaster district that can*
7 *serve in that capacity after proper appointment by the Superior*
8 *Court for Siskiyou County is for the common benefit of the owners*
9 *of those decreed water rights within the Scott and Shasta Valleys*
10 *and for the protection of agricultural and economic productivity.*

11
12 *Article 2. Boundaries*

13
14 *201. For the purposes of this act, all of the following territory*
15 *is included in the Scott and Shasta Valley Watermaster District:*

16 *_____.*
17 *202. The district is divided into the following service areas:*

18 *(a) Scott Valley Service Area.*

19 *(b) Shasta Valley Service Area.*

20
21 *Article 3. Definitions*

22
23 *301. Unless otherwise indicated by their context, the definitions*
24 *set forth in this article govern the construction of this act.*

25 *302. "Appointed decree" means a decree for which the district*
26 *is appointed the watermaster by the court.*

27 *303. "Appointed parcel" means a parcel of real property within*
28 *the district that is a place of use for water rights under an*
29 *appointed decree.*

30 *304. "Board of directors" or "board" means the board of*
31 *directors of the district.*

32 *305. "Contracted parcel" means an eligible parcel whose*
33 *owner has entered into a contract with the district to provide*
34 *watermaster service for that parcel.*

35 *306. "County" means Siskiyou County.*

36 *307. "Court" means the Superior Court for the County of*
37 *Siskiyou.*

38 *308. "Decree" or "decrees" means any water right decree,*
39 *entered by the court, which adjudicates water rights within the*

1 county in which the decreed points of diversion are within the Scott
2 or Shasta Valleys in the county.

3 309. "Department" means the Department of Water Resources.

4 310. "District" means the Scott and Shasta Valley Watermaster
5 District.

6 311. "Eligible parcel" means a parcel of real property within
7 the district that is a place of use for water rights under a decree
8 that is not an appointed decree, and for which the department is
9 not the watermaster.

10 312. "Fund" means the fund designated by the court, or by
11 the district in the absence of a designation by the court, into which
12 assessments levied by the district shall be paid by the county upon
13 collection.

14 313. "Owner" means a person who is an owner of a parcel of
15 real property within the district that is a place of use for water
16 rights under a district.

17 314. "Person" means any state or local governmental agency,
18 private corporation, firm, partnership, individual, group of
19 individuals, or, to the extent authorized by law, any native tribe
20 or federal agency.

21 315. "Scott Valley" means ____.

22 316. "Shasta Valley" means ____.

23 317. "Voter" means an owner of an appointed or contracted
24 parcel.

25 Article 4. General Provisions

26
27
28 401. (a) The board of directors shall govern the district and
29 shall exercise the powers of the district as set forth in this act.

30 (b) The board of directors of the district shall consist of five
31 members, as follows:

32 (1) Two members shall be voters owning appointed or
33 contracted parcels within the Scott Valley Service Area. These
34 members shall be elected at large from the Scott Valley Service
35 Area.

36 (2) Three members shall be voters owning appointed or
37 contracted parcels within the Shasta Valley Service Area. These
38 members shall be elected at large from the Shasta Valley Service
39 Area.

1 (c) A quorum of the board of directors shall be three members.
2 A majority of affirmative votes of the full membership of the board
3 shall be required to take an action.

4 (d) (1) Two members of the first board shall serve terms of two
5 years. Of these members, one member shall be elected from the
6 Scott Valley Service Area and one member shall be elected from
7 the Shasta Valley Service Area. The two members who serve two
8 year terms shall be determined by lot at the first meeting of the
9 board in accordance with this paragraph.

10 (2) Except as provided in paragraph (1), each board member
11 shall serve a four year term.

12 (3) Members of the board of directors may be reelected.

13 (e) Except as otherwise provided in this act, the Uniform District
14 Election Law (Part 4 (commencing with Section 10500) of Division
15 10 of the Elections Code) shall apply to elections within the district.

16 (f) Any vacancy on the board shall be filled by appointment by
17 a majority of remaining directors as provided in Section 1780 of
18 the Government Code. An appointment to fill a vacancy on the
19 board shall be for the unexpired portion of the term of the office
20 in which the vacancy occurs.

21 402. (a) For parcels with multiple owners, the owners shall
22 designate in writing to the district, in accordance with a timetable
23 established by the district, a voter from among their number for
24 voting purposes.

25 (b) If applicable, the owners shall designate in writing, in
26 accordance with a timetable established by the district, a legal
27 representative who shall be entitled to execute a proxy vote on
28 their behalf.

29 403. A voter may vote at any district election either in person
30 or by a person duly appointed as his or her proxy. A proxy vote
31 may be executed by a legal representative or by a single owner
32 designated pursuant to Section 402.

33 404. Prior to taking office, each elected director shall take the
34 official oath and execute any bond that may be set by the board.

35 405. At the first meeting of the board, and at the first annual
36 meeting each year thereafter, the board shall elect a chairperson
37 and vice chairperson from among its members.

38 406. Meetings of the board shall be held pursuant to the Ralph
39 M. Brown Act (Chapter 9 (commencing with Section 54950) of
40 Part 1 of Division 2 of Title 5 of the Government Code).

1 407. *The provisions of this act are severable. If any provision*
2 *of this act or its application is held invalid, that invalidity shall*
3 *not affect other provisions or applications that can be given effect*
4 *without the invalid provision or application.*

5
6 Article 5. *Powers and Duties*
7

8 501. *The district shall serve as the watermaster for any*
9 *appointed decree, including, but not limited to, taking specific*
10 *actions ordered by the court in the administration of that decree*
11 *or decrees.*

12 502. *In carrying out its duties as watermaster, the district shall*
13 *have the powers and duties that are set forth as powers and duties*
14 *of the department in Part 4 (commencing with Section 4000) of*
15 *Division 2 of the Water Code, except as modified by the court, and*
16 *as follows:*

17 (a) *References to the department in that part shall be deemed*
18 *to be references to the district.*

19 (b) *References to the Water Resources Revolving Fund in that*
20 *part shall be deemed to be references to the fund.*

21 503. *The district may enter into agreements to provide*
22 *watermaster service to owners of eligible parcels where all owners*
23 *of an eligible parcel have executed the agreement. An agreement*
24 *to provide watermaster services to an eligible parcel shall include*
25 *a provision that the owners agree to pay in full for the service*
26 *prior to the provision of service. The amount to be paid shall be*
27 *determined to ensure that the provision of the watermaster service*
28 *to contracted parcels does not increase the cost of the watermaster*
29 *service to appointed parcels.*

30 504. *The district may enter into contracts or employ staff to*
31 *provide watermaster service to appointed and contracted parcels.*

32 SEC. 2. *The Legislature finds and declares that this act, which*
33 *is applicable only to the Scott and Shasta Valley Watermaster*
34 *District, is necessary because of the unique and special water*
35 *problems in the area included int the district. It is, therefore, hereby*
36 *declared that a general law within the meaning of Section 16 of*
37 *Article IV of the California Constitution cannot be made applicable*
38 *the district and the enactment of this special law is necessary for*
39 *the conservation, development, control, and use of that water for*
40 *the public good.*

1 *SEC. 3. If the Commission on State Mandates determines that*
2 *this act contains costs mandated by the state, reimbursement to*
3 *local agencies and school districts for those costs shall be made*
4 *pursuant to Part 7 (commencing with Section 17500) of Division*
5 *4 of Title 2 of the Government Code.*

6 ~~SECTION 1. It is the intent of the Legislature to enact~~
7 ~~legislation to create the Siskiyou County Watermaster District.~~

8
9
10 CORRECTIONS:

11 Text—Pages 2, 3, 4, 5, and 6.
12